

REMARKS

This submission is in full response and timely to the non-final Office Action mailed on August 14, 2002. By this amendment, Applicants have amended the specification to correct informalities. Moreover, claims 1, 2, 7, and 9-12 were amended to more clearly define the invention, and claims 13 and 14 were added. Support for the changes to claims 1, 2, 7, and 9-12 can be found in various locations throughout the specification. For example, support for claims 1, 2, 7, and 9-12 can be found in the specification at page 14, line 9 through page 18, line 1. No new matter has been added. Claims 1-14 are pending.

Objection to the Specification

The Examiner objected to the disclosure because of alleged informalities. Applicants have amended the specification in a manner that addresses the issues raised by the Office Action. In particular, Applicants have amended the specification in a number of places to correct misspellings. Therefore, Applicants respectfully request that the objection to the disclosure be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-12 were rejected under 35 U.S.C. § 102(b) as anticipated by *Yutaka*, Japanese Patent No. JP09-173298. Claims 1-12 were also rejected under 35 U.S.C. § 102(b) as anticipated by *Kazuhiro*, Japanese Patent No. JP11-313800. Claims 1-6 and 8-12 were rejected under 35 U.S.C. § 102(b) as anticipated by *Okashita et al.*, Japanese Patent No. JP2000-189387. Still

further claims 1 and 6-8 were rejected under 35 U.S.C. § 102(b) as anticipated by *Nanjo*, U.S. Patent No. 5,668,621. Applicant traverses these rejections for the following reasons.

Independent claim 1 recites a fundus camera comprising: (a) an observation optical system having an objective lens and a photographing element for photographing a fundus of an eye to be examined via the objective lens, the fundus being illuminated with illumination light for observation; (b) a monitor on which an image of the photographed fundus is displayed; (c) a fixation-target presenting optical system for presenting a fixation target via the objective lens so that the fixation target is visually identified by the eye; (d) a fixation-target moving unit by which a position to present the fixation target is moved to a desired position; (e) a first display-control unit by which a fixation target image formed optically or electrically to indicate the position of the fixation target on the fundus is displayed on the fundus image displayed on the monitor; and (f) a second display-control unit by which a guide target for guiding movement of the fixation-target is displayed graphically in a predetermined position on the fundus image displayed on the monitor.

Independent claim 9 recites a fundus camera comprising: (a) an observation optical system having an objective lens and a photographing element for photographing a fundus of an eye to be examined via the objective lens, the fundus being illuminated with illumination light for observation; (b) a monitor on which an image of the photographed fundus is displayed; (c) a fixation-target presenting optical system for presenting a fixation target via the objective lens so that the fixation target is visually identified by the eye; (d) a fixation-target moving unit by which a position to present the fixation target is moved to an intended position; (e) a first display-

control unit by which a fixation target image formed optically or electrically to indicate the position of the fixation target on the fundus is displayed on the fundus image displayed on the monitor; and (f) a second display-control unit having a program by which a guide target for guiding the fixation target to plural parts of the fundus is displayed graphically in a predetermined position on the fundus image displayed on the monitor, and a display form of the guide target is varied based on a sequence of photographing of the plural parts.

Yutaka discloses a fundus camera capable of generating a panoramic image by moving a position of a fixation lamp to present a fixation target and photographing a plurality of parts of the fundus. Moreover, in the fundus camera, a fixation lamp is moved by operating a lever, and a display of a fundus image is changed based on data concerning a detected position to which the fixation lamp is moved. In this manner, the fundus camera stores an image of the fundus to prevent a user from forgetting to photograph an image or duplicating a previously photographed image.

Kazuhiro discloses a fundus camera that three-dimensionally photographs a periphery of a fundus by moving a position of a fixation lamp to present a fixation target. In the fundus camera, a character K, which indicates the position of the fixation target, is synthesized with an image of the fundus, and displayed on the monitor in accordance with the output from a fixation target moving switch. As a result, the fundus camera guides the line of sight of an examinee. In addition, *Kazuhiro* discloses that aligning reference marks ML and MR, which move in accordance with the position of the fixation target, are overlapped with alignment visual mark images AL' and AR'. Thus, the optical axis of the camera is always positioned at the center of a

pupil.

Okashita discloses a fundus camera capable of generating a panoramic image by moving a position of the fixation lamp to present a fixation target and for photographing a plurality of parts of the fundus. *Okashita* further discloses that in the fundus camera LEDs 51a and 51f are arranged at predetermined positions, and are selectively lit. In this manner, an observed image is associated with a photographed still-frame image based on the positional data of the LEDs. This observed image is displayed on the monitor.

Nagano discloses a fundus camera provided with an optical system for projecting an alignment target for detecting a working distance on an eye to be examined.

In contrast, the present invention includes, among other things, “a fixation target moving unit by which a position to present the fixation target is moved to a desired position,” and “a first display control unit by which a fixation target image formed optically or electrically to indicate the position of the fixation target on the fundus is displayed on the fundus image displayed on the monitor.” Applicants submit that neither of *Yutaka*, *Kazuhiro*, *Okashita*, nor *Nagano* disclose, teach or suggest at least the above-mentioned elements of the claims. Instead, *Yutaka* and *Okashita* disclose a position at which a fundus image to be photographed occupies on the panoramic image. *Kazuhiro*, on the other hand, discloses that reference marks ML and MR are used to position the optical axis of the camera on the pupil center at all times. Moreover, *Nagano* merely discloses projecting an alignment target to detect a working distance of an eye to be examined.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Each of *Yutaka*, *Kazuhiro*, *Okashita*, and *Nagano* fail, however, to disclose, teach, or suggest at least a fixation target moving unit by which a position to present the fixation target is moved to a desired position,” and “a first display control unit by which a fixation target image formed optically or electrically to indicate the position of the fixation target on the fundus is displayed on the fundus image displayed on the monitor, respectively. For at least these reasons, Applicants submit that each of *Yutaka*, *Kazuhiro*, *Okashita*, and *Nagano* do not anticipate independent claim 1. Applicants respectfully request, therefore, withdrawal of the rejection of claim 1 under 35 U.S.C. § 102, and allowance of this claim.

Based on the foregoing discussion, Applicants further submit that *Yutaka*, *Kazuhiro*, and *Okashita* also do not anticipate the subject matter of claim 9. Thus, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. § 102 be withdrawn, and this claim be allowed.

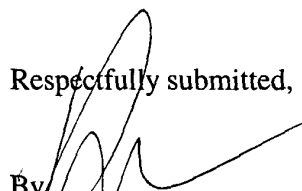
Claims 2-8 and 10-14 depend from one of independent claims 1 and 9. By virtue of this dependency, Applicants submit that claims 2-8 and 10-14 are allowable for at least the reasons discussed above. Moreover, claims 2-8 and 10-14 further distinguish over *Yutaka*, *Kazuhiro*, *Okashita*, and *Nagano*, by the additional subject matter recited therein, and particularly within each respective claim combination. Thus, Applicants respectfully request that the rejection of claims 2-8 and 10-14 under 35 U.S.C. § 102 be withdrawn.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-14 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Respectfully submitted,

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